

4. The Suffolk County Supreme Court granted a judgment of foreclosure to me. The foreclosure auction was scheduled for October 29, 2012.

5. The Friday before the auction the debtor tried to get a stay of the auction in the Supreme Court. See letter of Dale Javino annexed as exhibit B. That stay was not granted. The debtor then filed bankruptcy while threatening to file a grievance against my attorney. See letter of Dale Javino annexed as exhibit C.

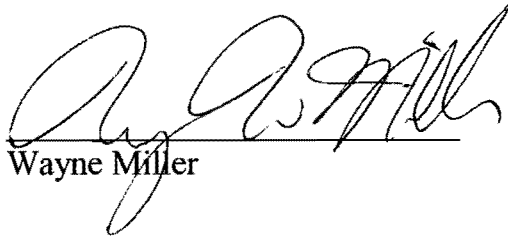
6. Debtor came to the first meeting of creditors without an attorney so my attorney was unable to question the debtor. Debtor did not show up for the second meeting of creditors. Now he says he filed the bankruptcy by mistake.

7. Debtor is trying to manipulate the system. I am sure if the bankruptcy was dismissed, then after I rescheduled the foreclosure auction, he would file another bankruptcy petition. He is very good at using the system to prevent the recovery of monies owed by debtor. In fact he tried to avoid me knowing of this application in that he mailed it to me at 700 Lakeland Ave, Bohemia, NY. See envelope annexed as exhibit D. That is not my address nor is it my attorney's address. That address is for Alex Curtis who was the mortgage broker who arranged the mortgage for debtor. I assume debtor hoped I would never get notice of the application. When debtor filed for bankruptcy he knew to send the notice to my attorney's office. Curiously he chose not to do so for this application.

8. I do not want the petition dismissed. I want the trustee to collect the rents, sell the property and pay the creditors. The holder of the first mortgage also wants the bankruptcy case to remain open. See fax annexed as exhibit E.

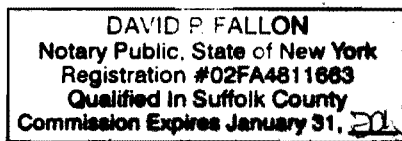
9. Debtor filed the bankruptcy. He must accept the consequences of his action. He should not be permitted to continue to play games with the legal


system.


Wayne Miller

Sworn to before me this
January 11, 2013


Notary Public




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